

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 6246	DATE	12/10/2004
CASE TITLE	Robert Jiles vs. Nations Pizza Products		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Order. Leave is granted to Nation Pizza's counsel to correct the offending paragraphs of the Answer by an amendment to the existing Answer. That amendment is to be filed in this Court's chambers on or before December 22, 2004, failing which the corresponding allegations of the Complaint will be deemed to have been admitted.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	<div style="text-align: center;"> </div>	number of notices	<div style="text-align: center;"> Document Number 7 </div>
<input type="checkbox"/>	No notices required.			
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		<div style="text-align: center;"> DEC 13 2004 <small>date docketed</small> </div>	
<input type="checkbox"/>	Notified counsel by telephone.		<div style="text-align: center;"> </div>	
<input type="checkbox"/>	Docketing to mail notices.		<div style="text-align: center;"> <small>docketing deputy initials</small> </div>	
<input type="checkbox"/>	Mail AQ 450 form.		<div style="text-align: center;"> 12/10/2004 <small>date mailed notice</small> </div>	
<input type="checkbox"/>	Copy to judge/magistrate judge.		<div style="text-align: center;"> <small>SN</small> </div>	
SN	courtroom deputy's initials	<div style="text-align: center;"> 12/10/2004 10:00 AM <small>Date/time received in central Clerk's Office</small> </div>	<div style="text-align: center;"> <small>mailing deputy initials</small> </div>	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ROBERT JILES,)
)
Plaintiff,)
)
v.) No. 04 C 6246
)
NATION PIZZA PRODUCTS,)
)
Defendant.)

DOCKETED
DEC 13 2004

MEMORANDUM ORDER

Nation Pizza Products ("Nation Pizza") has filed its Answer and Affirmative Defenses to the employment discrimination Complaint brought against it by Robert Jiles. This memorandum order is issued sua sponte to address a basic flaw in federal pleading requirements reflected in that responsive pleading.

This is one of three separate answers, filed during the first two days of this month in cases on this Court's calendar, each of which contains the same too-often-repeated error by defense counsel. Little wonder, then, that several years ago this Court ended up issuing an appendix to a published opinion (State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001)) that lists seven common errors in responsive pleading--that issuance reflected this Court's desire to minimize the need for extended and repetitive typing on those subjects by its faithful secretary. In this case the tainted statements are found in Answer ¶¶4, 5 and 6, all of which are stricken (see App. ¶1 to State Farm).

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Leave is of course granted to Nation Pizza's counsel to correct the offending paragraphs by an amendment to the existing Answer (this Court does not require the filing of a full-blown Amended Answer as a replacement). That amendment is to be filed in this Court's chambers on or before December 22, 2004, failing which the corresponding allegations of the Complaint will be deemed to have been admitted.

A handwritten signature in cursive script, appearing to read "Milton I. Shadur", written in dark ink.

Milton I. Shadur
Senior United States District Judge

Date: December 10, 2004